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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,189	02/25/2004	Thanh Vinh Vuong	16813-13US	7413

54120 7590 12/12/2008

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EXAMINER	
COLUCCI, MICHAEL C	
ART UNIT	**PAPER NUMBER**
2626	

NOTIFICATION DATE	DELIVERY MODE
12/12/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/785,189	**Applicant(s)** VUONG, THANH VINH	
	Examiner MICHAEL C. COLUCCI	**Art Unit** 2626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Richemond Dorvil/
Supervisory Patent Examiner, Art Unit 2626

Continuation of 11. does NOT place the application in condition for allowance because: Regarding remarks pertaining to claim language, particularly the use of trigger symbols, prompts, and translation requests as recited, Examiner believes that there is proper motivation to combine both references of Lin et al. US 6999916 B2 (hereinafter Lin) and Kugimiya et al. US 5023786 A (hereinafter Kugimiya), wherein Lin in view of Kugimiya appear to teach all the limitations of claim 1. Further, Examiner believes that Lin in view of Kugimiya appears to teach web based translation just as the present invention (present invention [0035]-[0038]).

Lin teaches an apparatus for a wireless embodiment of the present invention. Communication proceeds between a "master" user, having a cellular phone 80 subscribing to the TurboTalk.TM. service (described herein), and a "slave" user, having either a plug-in headset 82 connected to the master device, or having another wireless device accessible by the master device. FIG. 8 (lower panel) shows such a WAP server-based wireless method embodiment. A "master" user 84 selects one or more translation language pairs using a GSM phone 86 accessible by a WAP server 88 hosting the inventive information retrieval function. The user sends a voice message using the cellular phone, and the message is processed using voice-recognition software stored in the memory of the WAP server and operative with a processor of the server to recognize the voice and process it into text. The information retrieval function translates the text, which is then converted to voice by the voice recognition function, and delivered as a translated voice message over the wireless network to the "slave" users 88 (Col. 7 lines 51-67 & Fig. 8 and 9). Lin also teaches a simpler WAP-based wireless embodiment involving a single "master" user and a single "slave" user. The master user selects single translation language pair, and sends a voice message 90 using the cellular phone 92, and the message is processed using voice-recognition software stored in the memory of a WAP server and operative with a processor of the server to recognize the voice and process it into text. The information retrieval function translates the text, which is then converted to voice by the voice recognition function, and delivered as a translated voice message 94 over the wireless network to the "slave" user (Col. 8 lines 5-15 & Fig. 1).

Lin also teaches user-selected Web site text and/or information source and/or language pair preferences. In FIG. 7A, a Chinese-speaking user activates the information retrieval function 70, in accordance with one or more particular translation language preferences, to simultaneously translate user-selected text ("key word") into one or more languages/character sets 72 (e.g., using TurboDictionary.TM., according to the present invention). The translations are accessed by an Internet search engine (e.g., I-Search.RTM.) to enable a user to simultaneously search the Internet in multiple languages 74, based on the users native language and selected key word. FIG. 7B shows a more detailed diagram of the combined translation and Internet search embodiment of FIG. 7A, including certain structural elements. The elements and steps above and below dashed lines 76 and 78, respectively, illustrate the core "translate" and display embodiment of the inventive method, comprising user selection of text and preferences for reference sources and translation language, accessing by the information retrieval function of a related information data set, based on related data stored in reference data base(s), and display of the data set to the user (path arrow 77). Optionally, as shown between the dashed lines 76 and 78, the related information data set is used to perform an automated Internet search to obtain related Internet search information which is displayed to the user along with the related information data set (combined path arrows 77 and 79). The core server-side translation and search functionality of the information retrieval function is shown enclosed in dotted lines 73, with user selection and display occurring on the client side. Additional Wireless Device Embodiments. In alternate embodiments, the integrated user-directed information retrieval function of the present invention (using, e.g., TurboDictionary.TM.) is implemented in the context of a wireless network (e.g., WAP server-based), and voice recognition function to provide a real-time voice translator and reference tool. This novel implementation is herein referred to as TurboTalk.TM.. Specifically, the wireless embodiments provide an apparatus and integrated method, over a wireless network comprising a server side (e.g., WAP-based) and a client side (e.g., cellular phones, or other PDA (personal data assistant) wireless devices, e.g., Palm PC, Pocket PC, PSION, etc.), for user-directed acquisition of real-time translation and reference services in both text and voice, using standard cellular phones and PDA devices (voice-to-text, voice-to-voice, text-to-voice and text-to-text). Generally, the implementation of the inventive information retrieval function, comprising reference access and generation of a related information data set are as described in detail herein above for TurboDictionary.TM.. However, TurboTalk.TM. embodiments further comprise voice recognition/conversion software voice-recognition software stored in the memory of the WAP server and operative with a processor of the server to recognize the voice and process it into text (or process text to voice). Preferably, this embodiment is offered as a wireless service by wireless service providers to subscribing users (Col. 14 line 43 - Col. 15 line 35 & Fig. 7A and 7B).

Further, Lin teaches a screen shot, similar to that of FIGS. 1 and 2, of a typical provider-driven Web page, illustrating an additional server-side Web site-integrated embodiment of the inventive method for user-direct acquisition of user-selected Web page text. Here, Web site integration is accomplished by installing executable script (e.g., JavaScript.TM.) on all web pages of the site to link and enable the information retrieval function. A `right-click` of highlighted text 30 using a mouse can be used to activate one or more pop-up menus for user selection of particular reference source and/or translation language preferences (in this examples, the English.fwdarw.Chinese language pair preference was selected), and to enable activation of the information retrieval function to provide for a displayed translation 36 in one or more window fields using a Chinese character set (Col. 6 lines 46-61 & Fig. 3).

Furthermore, Lin teaches the ability for multiple translations, wherein Lin teaches that the user selects, from a plurality of reference sources (e.g., a professional medical dictionary) and/or translation language pairs (e.g., English.fwdarw.Chinese), a reference source and/or a translation language pair, whereby the user-selected reference source or user-selected translation language pair is accessible by the information retrieval function. For example, in the present embodiment, the user preference for a particular translation language pair, from among a plurality of such pairs, is selected using a scrollable language pair field 12 of the linked dictionary window 16. Other selection means such as right-clickable "pop-up" menus (discussed herein, below) are also encompassed by embodiments of the present invention, and are familiar in the art (Col. 10 lines 5-17).

Kugimiya has been introduced to further strengthen the teachings of Lin, wherein Kugimiya teaches translation, particularly adaptive to

the use of a symbol which invokes translation, wherein Kugimiya teaches an example of an English original and a Japanese translation which are, respectively, inputted to and outputted from the translating apparatus of the present invention. The inputted English sentence is translated into the Japanese sentence by the translating apparatus of the present invention. In this example, since the inputted English sentence includes a relative clause of nonrestrictive use: ", which is the precursor for dominance in the other fields", a Japanese translation of the relative clause of nonrestrictive use is generated in parentheses "(11)", so that the Japanese translation of the relative clause of nonrestrictive use is clarified in the translated Japanese sentence and thus, understanding of the translated Japanese sentence as a whole is facilitated. In the translating apparatus according to this embodiment of the present invention, if check of a prepositional or indefinite phrase for modifying a verb accompanied by a comma located immediately before the phrase is performed at steps S1 and S4 of FIG. 10 in the same manner as the relative clause of nonrestrictive use, the prepositional or indefinite phrase for modifying a verb accompanied by a comma located immediately before the phrase can be independently generated in parentheses "(11)". In the present invention, it is needless to say that parentheses "(11)" can be replaced by other similar symbols such as brackets "[11]" and braces "[11]". As will be seen from the foregoing description, the translating apparatus of the present invention includes the syntactic decision means which decides from the construction of the inputted sentence whether or not a relative clause of nonrestrictive use or a prepositional or indefinite phrase for modifying a verb accompanied by a comma located immediately before the phrase exists and the symbol generating means which generates in the translated sentence, the first and second symbols indicative of the start position and the end position of the relative clause or the prepositional or indefinite phrase when the relative clause or the prepositional or indefinite phrase exists (Kugimiya Col. 5 lines 24-63).

Therefore, the combined teachings of both Lin in view of Kugimiya render obvious that which is recited in claim 1 of the present invention, wherein a user can set various preferences relative to translations in an interactive system (Col. 10 lines 5-17), translate and disambiguate languages while preserving the syntax of a language (Kugimiya Col. 5 lines 24-63), and notify/prompt a user in order to verify that which is translated prior to transmitting information wirelessly (Col. 8 lines 5-15 & Fig. 1)..